



Congress of the United States
House of Representatives
Washington, DC 20515-0605

April 10, 2017

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Attorney General Sessions and Administrator Pruitt,

As you review the litigation that was pending on behalf of your agencies when you assumed office, I write to bring to your attention *United States of America and The State of Colorado v. City of Colorado Springs, Colorado*, which was filed in November of 2016 by the U.S. Department of Justice on behalf of the Environmental Protection Agency (EPA) and the State of Colorado on behalf of the Colorado Department of Public Health and Environment. This lawsuit arose after the City of Colorado Springs allegedly violated portions of the Clean Water Act and the Colorado Water Quality Control Act by failing to comply with the terms and conditions of the City's National Pollution Discharge Elimination System permit.

Mayor John Suthers and the Colorado Springs' City Council recognize and understand the problem and are determined to fix it. Since being elected in 2015, Mayor Suthers and the City have made the issue a priority, crafting an agreement with Pueblo County to provide \$460 million dollars of stormwater projects by 2035, enhancing the city's stormwater division with a new manager and added engineers and inspectors, along with releasing a comprehensive Stormwater Program Implementation Plan. Specifically, over the past two years the City has:

- Negotiated and signed a \$460 million, 20-year intergovernmental agreement with Pueblo County to build 71 major stormwater projects. This work is designed to eliminate sedimentation, detain excessive flows and improve water quality in Fountain Creek for local and downstream communities. That agreement is backed by Colorado Springs Utilities, which will appropriate needed funds should the City experience a shortfall. The City of Colorado Springs recently submitted their first annual report to Pueblo County that details how all of the City's obligations have been met and most far exceed the expectations of Pueblo County. During the agreement's 1st year, 9 of the 71 projects are either completed or in the progress and the City of Colorado Springs has expended approximately \$25.6 million, far

exceeding the \$16.5 million minimum required under the terms of the agreement.

- Recruited professional engineer Richard Mulledy to manage the stormwater division and increased the staff of stormwater inspectors and engineers from 28 to 52 full-time employees, with a total of 66 to be on staff within the next several months.
- Increased spending on stormwater from \$5 million in 2015 to approximately \$20-25 million a year, including \$9.2 million for capital projects, \$3 million from Utilities and \$7.1 million to \$7.8 million, when fully staffed, for the city's Municipal Separate Storm Sewer System, known as an MS4 federal permit, which allows Fountain Creek to flow into the Arkansas River, to the Mississippi River and into the Gulf of Mexico.
- Started building a \$3 million detention pond on Sand Creek; spending \$2 million to rehabilitate wash-out areas, remedy sediment-transport issues and improve water quality since the 2013 flooding, and retrofitting a King Street retention pond so it not only controls flood waters but also manages flow to mimic natural discharge.
- The City of Colorado Springs has also completed an additional 56 projects to eliminate flooding and improve water quality.

However, despite these bold efforts undertaken by our local officials to address the City's stormwater deficiencies, the EPA seems determined to seek civil penalties that could cost the city millions of dollars. This is the kind of lawsuit that gives the EPA its infamous reputation of overreach. Every single dime going to litigate this issue and pay any fines that are imposed should be directed to fixing the problem.

If the goal of the EPA is to ensure that the City of Colorado Springs improves the management of its stormwater then the EPA should work with our local officials to provide technical expertise and funding for infrastructure improvements instead of diverting the city's limited resources to fight this burdensome litigation.

I appreciate your attention to this important matter and look forward to your response.

Sincerely,



Doug Lamborn
Member of Congress

Enclosure: 2016 Annual Report